

THE ETHICAL PRACTICES ATTORNEY – IUOE LOCAL 14-14B

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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

WILLIAM DUFFY, GENE PANESSA and
JAMES MASCARELLA,

Plaintiffs,

v.

INTERNATIONAL UNION OF OPERATING
ENGINEERS LOCAL 14-14B, GEORGE
STAMBOULIDIS, EDWIN L. CHRISTIAN,
WALTER J. McKENNA, CHRISTOPHER T.
CONFREY, JOHN R. POWERS, DANIEL
NOESGES, ROBERT LiMANDRI and THE
NEW YORK CITY DEPARTMENT OF
BUILDINGS,

Defendants.

Civil Action No. 10-3111-SJ

**DECLARATION OF GEORGE A. STAMBOULIDIS IN FURTHER SUPPORT OF
DEFENDANT EPA’S MOTION TO DISMISS THE COMPLAINT**

I, George A. Stamboulidis, hereby declare as follows:

1. I am the court-appointed Ethical Practices Attorney (the “EPA”) of Local 14-14B of the International Union of Operating Engineers (“Local 14”), and a partner in Baker Hostetler LLP. I make this declaration to submit a copy of the following Article of the Local 14 By-Laws (as amended on July 8, 2010), cited in the accompanying Reply Memorandum of Law in Further Support of Defendant EPA’s Motion to Dismiss the Complaint:

Exhibit 1 is a copy of Article VIII of the Local 14 By-Laws, as amended on July 8, 2010.

Pursuant to 28 U.S.C. § 1746, I hereby declare, under penalty of perjury, that the foregoing statements made by me are true and correct.

Dated: New York, NY
November 4, 2010

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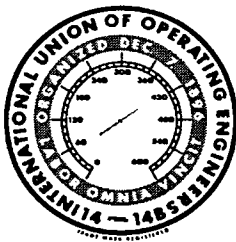
BY: s/George A. Stamboulidis

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EXHIBIT 1

BY-LAWS
LOCAL 14-14B
INTERNATIONAL UNION
OF OPERATING ENGINEERS

Affiliated with
AFL-CIO



141-57 Northern Boulevard
Flushing, NY 11354
718-939-0600

ARTICLE VIII

Discipline and Good and Welfare of the Local Union

SECTION 1. The Local Union, acting through its President, Business Manager and Business Agents, is empowered to take any and all provisions and actions to protect its membership and assets, in its integrity and composition, consistent with the provisions of due process incorporated in the Constitution.

All customs and practices existing in the Local Union shall continue in full force and effect, except insofar as they may conflict with the International Constitution, the Labor-Management Reporting and Disclosure Act of 1959, or other applicable law.

The members shall conform to "Duties of Members" as contained in Article XXIV, Subdivision 3, Sections (a) and (b) of the International Constitution.

SECTION 2. Any of the following acts by a member shall constitute conduct discreditable to the International Union of Operating Engineers and Local Union 14-14B.

- a - Being intoxicated or disorderly on the premises of Local Union 14-14B.
- b - Being intoxicated while at work.
- c - Carelessness involving the destruction of machinery entrusted to his or her care.

- d - Injuring a brother or sister member who willfully engages in slander or libel where such slander or libel is contrary to the responsibility of every member towards the Local Union as an institution or specifically interferes with the Local Union's performance of its legal or contractual obligations.
- e - Allowing a non-member, or an unlicensed person, to run a member's engine, without permission of the Local Union.
- f - Receiving less than the standard wages or fringe benefits established by the Local Union for the ordinary working hours or overtime.
- g - Refusing to obey a lawful order of the Business Agents.
- h - Taking the place of another member without the consent of the latter, or the sanction of the Local Union having jurisdiction.

- i - Holding himself out as competent to fill a job for which he or she is not qualified.
- j - Refusing to show a working or membership card to a brother or sister member who first presents his or her card for identification.
- k - Failing to determine whether or not others on a job, doing work within the jurisdiction of the International Union, are members in good standing.
- l - Failing to report employment on a job of persons not in good standing.
- m - Failure of a member, who obtains his or her own job within the jurisdiction of Local Union 14-14B, to report same job and location to the Local Union Office no later than the first day employed.
- n - Failure of a member who gets laid-off to notify the Local Union Office no later than one day after said lay-off.

Any member convicted of violating rules a, b, c, d, e, g, h, i, j, l and n shall be subject to a fine of One Hundred (\$100) Dollars and any member convicted of violating rules f, k and m shall be subject to a fine of Five Hundred (\$500) Dollars for the first offense and for further violations shall be subject to be fined, suspended or expelled, except where the punishment is specified in the By-Laws.

SECTION 3. In the event that any officer, agent, member, representative or employee of this Local Union is named in an indictment or other charging criminal document accusing said individual of: (1) any violation of federal or state law involving the operation of a labor organization or an employee welfare or pension benefit plan; or (2) a felony violation of federal or state law relating to Corruption as defined in Section II.C. of the Consent Decree entered into between this Local Union and the U.S. Attorney's Office dated July 25, 2008, then such individual will be placed on a temporary leave of absence from his or her elected or appointed position within this Local Union during the pendency of the matter.

SECTION 4. In the event that the officer, agent, member, representative or employee of this Local Union identified in SECTION 3, above, is convicted of: (1) violating federal or state law involving the operation of a labor organization or an employee welfare or pension benefit plan; or (2) violating federal or state law concerning Corruption as defined in Section II.C. of the Consent Decree entered into between this Local Union and the U.S. Attorney's Office dated July 25, 2008, then such individual shall (1) immediately forfeit his or her elected or appointed position within this Local Union and shall not receive any retirement benefits other than those that have vested under Title I of ERISA and which are protected by the anti-alienation provisions of ERISA; (2) be ineligible to vote in future Local Union elections; and (3) be ineligible to be nominated for, elected to, or hold any elected or appointed office within this Local Union.